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PTO/SB/01 (12-97)

Approved for use through 9/30/00. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration  
Submitted  
with Initial  
Filing

OR

☒ Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number

3086-9

First Named Inventor

Dominic P. BEHAN

**COMPLETE IF KNOWN**

Application Number

09 / 060,188

Filing Date

April 14, 1998

Group Art Unit

Examiner Name



As a below named Inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A method of identifying Modulators of Cell Surface Membrane  
receptors used in the treatment of Disease

the specification of which

(Title of the Invention)

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY)

04/14/1998

as United States Application Number or PCT International

Application Number

09/060,188

and was amended on (MM/DD/YYYY)

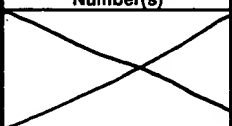
never with

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

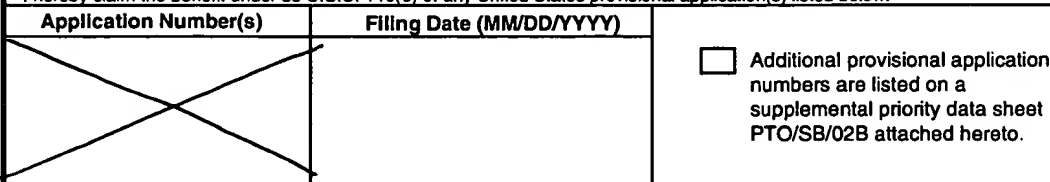
I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
		

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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## DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
08/839,449	04/14/1997	

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☐ Customer Number  OR

☒ Registered practitioner(s) name/registration number listed below

Place Customer Number Bar Code Label here

Name	Registration Number	Name	Registration Number
Lawrence A. Weinberger	27,465		
Richard P. Burgoon, Jr.	34,787		
Suzannah K. Sundby	P-43,172		

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☐ Customer Number  or Bar Code Label OR ☒ Correspondence address below

Name	Richard P. Burgoon, Jr.				
Address	Avenue Pharmaceuticals, Inc.				
Address	Cellele Nancy Ridge Drive				
City	San Diego	State	CA	ZIP	92121
Country	USA	Telephone	619-453-7200	Fax	619-453-7210

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle (if any))			Family Name or Surname		
Dominic PHILIP			Behan		
Inventor's Signature					Date
Residence: City		State	Country	Citizenship	
SAN DIEGO		CA	USA	BRITISH	
Post Office Address					
11472 Roxboro Ct.					
Post Office Address					
City		State	ZIP	Country	
SAN DIEGO		CA	92131	USA	

☒ Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

Please type a plus sign (+) inside this box → ☐

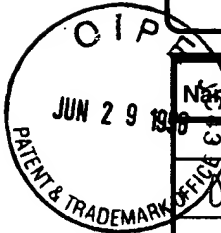
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## DECLARATION

### ADDITIONAL INVENTOR(S) Supplemental Sheet

Page 1 of 1

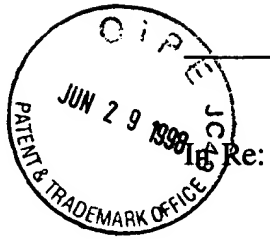


Name of Additional Joint Inventor, If any:				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Derek Thomas				CHALMERS			
Inventor's Signature		[Signature]		Date		6/25/98	
Residence: City		SAN DIEGO		State		CA	
				Country		U.S.	
Post Office Address		347 LONGDEN LANE, SOCRAL BEACH					
Post Office Address							
City		SAN DIEGO		State		CA	
				ZIP		92075	
				Country		U.S.	
Name of Additional Joint Inventor, If any:				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature				Date			
Residence: City				State			
				Country			
Post Office Address							
Post Office Address							
City				State			
				ZIP			
				Country			
Name of Additional Joint Inventor, If any:				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature				Date			
Residence: City				State			
				Country			
Post Office Address							
Post Office Address							
City				State			
				ZIP			
				Country			

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#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application of: Dominic P. Behan and Derek T. Chalmers

For: A Method Of Identifying Modulators Of Cell Surface Membrane  
Receptors Useful In The Treatment Of Disease

Serial No. 09/060,188

Commissioner of Patents and Trademarks  
Washington, DC 20231

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN)**

Dear Sir:

I hereby declare that I am the President of the small business concern empowered to act on behalf of the concern identified below:

Arena Pharmaceuticals, Inc.  
203 Garden Street  
Radnor, PA 19087

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.12, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in the application identified above.

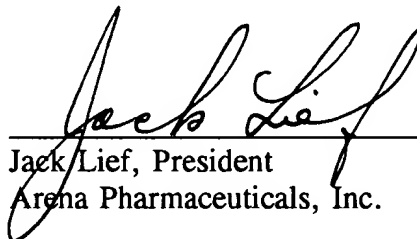
If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an

independent inventor under 37 S.F.R. 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d), or a nonprofit organization under 37 D.F.R. 1.9(e). No such person, concern, or organization exists.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 2/2/98

  
\_\_\_\_\_  
Jack Lief, President  
Arena Pharmaceuticals, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Dominic P. BEHAN and Derek T. CHALMERS

Serial No:

09/060,188

Filed:

April 14, 1998

For:

*A Method of Identifying Modulators of Cell Surface Membrane  
Receptors Useful in the Treatment of Disease*

Attorney's Docket:

3086-9

Examiner:

Group Art No:

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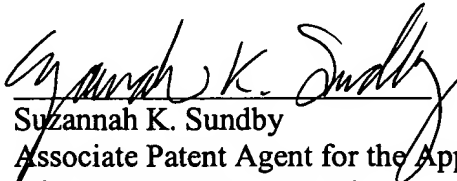
Verified Statement Under 37 C.F.R. 1.821

I, Suzannah K. Sundby, state as follows:

1. I prepared the enclosed Sequence Listing, consisting of 11 pages (numbered 77 through 87) in the preliminary amendment filed herewith for the above patent application.
2. The enclosed sequence listing and preliminary amendment are not intended, nor are believed, to add statutory "new matter" to the above patent application.
3. The enclosed 3.5 inch, 1.44Mb floppy diskette (labeled as "09/060,188 Sequence Listing") containing said sequence listing is saved as "ARENA.APP" in ASCII format.
4. The substantive contents of the paper and computer readable copy of the sequence listing are the same.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application and any patent issuing therefrom.

Date: June 24 1998

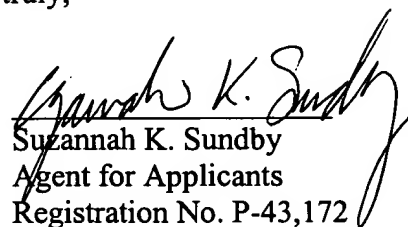
  
Suzannah K. Sundby  
Associate Patent Agent for the Applicants  
USPTO Reg. No. P-43,172

If the Examiner needs any clarification or further information regarding the foregoing,  
the Examiner is invited to contact either of Applicants' attorneys of record, Richard P. Burgoon,  
Jr., Esq. at (619) 453-7200, or Laurence A. Weinberger, Esq. at (610) 431-1703.

Yours truly,

Dated: June 24, 1998

By:

  
Suzannah K. Sundby  
Agent for Applicants  
Registration No. P-43,172

cc: Richard P. Burgoon, Jr.  
Vice President & General Counsel  
Arena Pharmaceuticals, Inc.  
6166 Nancy Ridge Drive  
San Diego, CA 92121